

**67C.408 Election of exclusive representative.**

- (1) Whenever, in accordance with administrative regulations that may be promulgated by the department, a petition has been filed:
  - (a) By a police officer or group of police officers or any labor organization acting in behalf of thirty percent (30%) of the employees who have signed labor organization affiliation cards and the labor organization showing proof of representation:
    1. Alleging that they wish to be represented for collective bargaining by a labor organization as exclusive representative; or
    2. Asserting that the labor organization which has been certified or is currently being recognized by the consolidated local government as bargaining representative is no longer the representative of the majority of employees in the unit; or
  - (b) By a consolidated local government alleging that one (1) or more labor organizations has presented to it a claim to be recognized as the representative of the majority of police officers in an appropriate unit;

The department shall investigate the petition, and if it has reasonable cause to believe that a question of representation exists, shall provide for an appropriate hearing upon due notice. If the department finds that there is a question of representation, it shall direct an election by secret ballot to determine whether or by which labor organization the police officers desire to be represented and shall certify the result thereof to the legislative council of the consolidated local government.

- (2) The department shall decide in each case, in order to assure police officers the fullest freedom in exercising the rights guaranteed by this section, the unit appropriate for the purposes of collective bargaining, based on such factors as community of interest, wages, hours, and other working conditions of the police officers involved; the history of collective bargaining; and the desires of the police officers.
- (3) An election shall not be directed in any bargaining unit or in any subdivision thereof within which in the preceding twelve (12) month period a valid election has been held. The department shall determine who is eligible to vote in the election and shall promulgate administrative regulations governing the election. In any election where none of the choices on the ballot receives a majority, a runoff shall be conducted, the ballot providing for the selection between the two (2) choices receiving the largest and the second largest number of valid votes cast in the election. A labor organization which receives the majority of the votes cast in an election shall be certified by the department as exclusive representative of all the police officers in the unit.
- (4) Nothing in this or any other law shall be construed to prohibit recognition of a labor organization as the exclusive representative by a consolidated local government by mutual consent.

- (5) No election shall be directed by the department in any bargaining unit where there is in force and effect a valid collective bargaining agreement; provided, however, that no collective bargaining agreement shall bar an election upon the petition of persons not parties thereto where more than four (4) years have elapsed since the execution of the agreement or the last timely renewal, whichever was later.

**Effective:** July 13, 2004

**History:** Created 2004 Ky. Acts ch. 101, sec. 5, effective July 13, 2004.

**Legislative Research Commission Note** (7/13/2004). Under the authority of KRS 7.136(1)(h), during codification a manifest clerical or typographical error occurring in Ky. Acts ch. 101, sec. 5(5), has been corrected. The second clause of Ky. Acts ch. 101, sec. 5(5), reads, "provided, however, that collective bargaining agreement shall bar an election upon the petition of persons not parties thereto where more than four (4) years have elapsed...." It is clear from the context and legislative history of the Act that the word "no" was erroneously omitted before the word "collective" in the provision, and the omitted word has been restored during codification.

**Legislative Research Commission Note** (6/20/2005). 2005 Ky. Acts chs. 11, 85, 95, 97, 98, 99, 123, and 181 instruct the Reviser of Statutes to correct statutory references to agencies and officers whose names have been changed in 2005 legislation confirming the reorganization of the executive branch. Such a correction has been made in this section.